

2/12/07  
(SPECIAL MEETING)

L-11-07 klg

ORDINANCE NO. 11-07

BY: **KEN RAMSER**

AN ORDINANCE TO ADD TO CHAPTER 331 ENTITLED  
“OPERATION GENERALLY” OF THE CODIFIED  
ORDINANCES OF THE CITY OF PARMA, OHIO BY  
ENACTING NEW SECTION 331.425 “DEFINITION AND  
REGULATION OF THE USE OF MOBILE TELEPHONES  
WHILE OPERATING A MOTOR VEHICLE”

WHEREAS, the City Council (hereinafter referred to as “Council”) has, from time to time, enacted definitions and regulations regarding the operation of a motor vehicle in the City; and

WHEREAS, Council has not previously defined and/or regulated the use of mobile telephones while operating a motor vehicle in the City; and

WHEREAS, Council believes that the regulation of the use of mobile telephones while operating a motor vehicle in the City will enhance the safety of those persons operating motor vehicles as well as other persons using the streets and highways of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That Section 331.425 is hereby enacted to read as follows:

(a) This Section shall be known as and may be cited as the ***Parma Mobile Telephone Operation***.

(b) No person shall operate a motor vehicle on any street or highway while engaging in any conduct defined as the “Use” of a mobile telephone unless the operator maintains both hands on the applicable steering device.

(c) Division (b) of this Section does not apply to a person using a mobile telephone in any of the following ways:

- (1) To contact public safety forces;
- (2) While maintaining the vehicle in the “Park” position either on public or private property; or
- (3) With a “hands-free device” which allows the operator to maintain both hands on the steering device while using the mobile telephone.

(d) Whoever violates this Section shall be guilty of a minor misdemeanor.

(e) As used in this Section:

- (1) “*Mobile Telephone*” means, including but not limited to, cellular, analog, wireless, and digital telephones.
- (2) “*Use*” means to utilize a mobile telephone in any of the following ways:
  - A. Answering;
  - B. Dialing;
  - C. Listening;
  - D. Talking

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- (3) “*Park*” means that the vehicle is in the Park gear for an automatic transmission vehicle and that the vehicle is in the Neutral gear and the brake is being utilized or otherwise stationary for a standard transmission vehicle.

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. That this Ordinance shall be in effect from and after the earliest period allowed by law.

PASSED:\_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:\_\_\_\_\_

CLERK OF COUNCIL

APPROVED:\_\_\_\_\_

FILED WITH  
THE MAYOR:\_\_\_\_\_

\_\_\_\_\_  
MAYOR, CITY OF PARMA, OHIO